

Response to Examiner's Rejection of Claim 22-25
"Claim Rejection under 35 U.S.C. § 112, 2nd ¶"

In the Office Action, the Examiner rejected Claims 22-25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

Applicants have amended stylistically claims 23-25 and the changes made obviate the current rejection. Moreover, with respect to claim 21, the Applicants amendments are again stylistic and the amendments made for the purposes of clarification and conformance with the Examiner's suggestions in the October 5, 2001Office Action. On that basis, the suggested amendments have been made and allowance is respectfully requested.

Response to Examiner's Rejection of Claims 21 and 26
"Claim Rejections under 35 U.S.C. § 102(b)"

The Examiner rejected Claims 21 and 26 under 35 U.S.C. §102(b) as being anticipated under 35 USC §102(b) by Lee, U.S. Patent No. 4,909,051 ("Lee"). In rejecting these claims, the Examiner stated that the Lee references discloses a mounting apparatus comprising a mounting base having a first end and a second end, a mounting base slot having a mounting base left slot opening and a mounting base right slot opening. Furthermore, the Examiner asserted that the Lee reference taught a mounting base having first and second ends, with first and second curved surfaces, and a cinching member adapted to slide through the mounting base slot and secure the first and second objects at the mounting base first and second curved portions.

Applicants respectfully traverse the present rejection and submit that Lee fails to teach, expressly or inherently, each and every element of claims 21 and 26.

Lee, for example, fails to teach the mounting base left and right slot openings (14C and 14D), two claimed elements of the presently rejected claims. As best illustrated in Figure 1 and 5, the mounting base is configured to receive a cinching member so that the fabric strap extends through and out of the mounting base from the right and left sides of the mounting base.

In contrast, in Lee, the configuration of the strap channels are such that there are two channels extend through and out of the top and bottom of the mounting base.

Nowhere does the Lee reference disclose a configuration of the slot openings wherein the handcuff straps would extend the right and left sides of the mounting base.

Specifically, claim 1 of Lee recites, In relevant part, "a generally rectangular plate having opposing pair of generally concave sides including a flattened middle portion for receiving said limb and a pair of ends between said sides; and each of said ends having spaced apart from its edge a strap-receiving channel extending therethrough." (Also see Figures 1 and 2 of the Lee patent.)

Thus, Applicants respectfully submit that the presently amended Claims 21 and 26 are not anticipated by, or obvious, over Lee, and that it is patently distinguishable therefrom. Applicants respectfully request withdrawal of this rejection and the allowance of the amended Claim 21 and 26 and all those depending directly or indirectly from.

Response to Examiner's Rejection of Claims 27-29
"Claim Rejections under 35 U.S.C. § 103(a)"

In the Office Action the Examiner rejected Claims 27-29 under 35 U.S.C. §103(a) as being unpatentable over Lee, in view of Vermeire, U.S. Patent No. 5,278,220 ("Vermeire"). The Examiner stated that while Lee discloses all limitations of the base

claims, including the mounting base formed of an elastomeric material, Lee failed to disclose an elastomeric having the specific shore hardness of Applicants' invention. However, the Examiner stated that the Vermeire reference taught an elastomeric having a shore hardness between 40 and 85 and concluded that it would have been obvious to one skilled in the art to have substituted the material taught in Vermeire for the mounting base elastomeric material used in Lee.

Applicant submits, however, that a *prima facie* case of obviousness does not exist in the present case. Under §103, the Examiner is required to specifically identify the reasons why one of ordinary skill in the art would have been motivated to select the cited references and combine them. Such a showing has not been made in Applicant's case. Rather, the Examiner is taken Applicants' disclosure as a blueprint for piecing together the prior art to defeat patentability.

Even assuming *arguendo* that such a motivation exists for the combination of references cited, however, Applicant further submits that each and all of the Applicant's claim limitations are not taught or disclosed in the cited combination. As previously discussed above, the Lee reference, as well as the Vermeire references, fails to teach the specific configuration of the mounting base slots of the present invention.

For the reasons stated above, Applicants respectfully submit that Claims 27-29 are patentably distinguishable over Lee, in view of Vermeire, and request the withdrawal of the rejection and allowance of the claims.

Response to Examiner's Rejection of Claims 21-26 and 30
"Claim Rejections –Double Patenting"

Applicants are submitting a terminal disclaimer along with this response to advance the case to allowance. The enclosed terminal disclaimer is filed pursuant to 37 Serial No. 09/712,837
Attorney Docket No. 066033-0012
Response to Office Action mailed 10/05/01
SFO 4064051v1

5

Examiner: Baxter, G.
Group Art Unit: 3632

CFR 1.321(c) to overcome the present rejection. The submission of this disclaimer is not to be construed as a concession to the validity of the rejection.

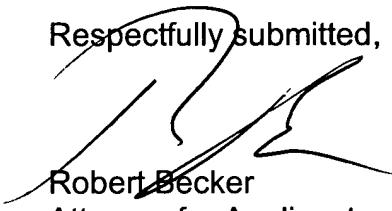
Response to Examiner's Allowance of Claims 7-12
"Allowable Subject Matter"

Applicants note with appreciation the indication that Claims 7-12 are allowable if rewritten in independent form including all of the limitations of the base claim.

Additional Remarks

By the present amendment, Claims 21 and 25-28 have been amended. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made." The Applicants believe that the pending claims are directed to patentable subject matter and request consideration and the early allowance thereof.

Respectfully submitted,


Robert Becker
Attorney for Applicants
Registration No. 37,778

Coudert Brothers, LLP
600 Beach Street, 3rd Floor
San Francisco, CA 94109
Main: 415.409.2900
Direct Dial: 415.351.5707
Facsimile: 415.409.7400

"Version With Markings to Show Changes Made"

21. (Amended) A mounting apparatus for securing at least two objects, comprising:

a mounting base having a first end and a second end, a mounting base slot configured to receive for receiving a cinching member there through and having a mounting base first curved portion at said first end, a mounting base second curved surface at said second end, a mounting base left slot opening and a mounting base right slot opening whereby said cinching member is adapted to slide through said right and left slot openings and secure first and second objects at said mounting base first and second curved portions, respectively.

25. (Amended) The A mounting apparatus according to claim 24, wherein the fabric strap buckle is secured to a the fabric strap buckle engagement portion and functions to facilitate the securing of the fabric strap.

26. (Amended) The A mounting apparatus according to claim 21, wherein the mounting base is flexible so as to allow the mounting base to deform.

27. (Amended) The A mounting apparatus according to claim 26, wherein the mounting base is constructed of material having a shore-A-hardness of 40-85.

28. (Amended) The A mounting apparatus according to claim 27, wherein the mounting base first curved portion has an arcuate surface adapted to engage a surface of a support or accessory.

277579 v01.SV (5Y6J01!.DOC)